

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED

See Attachment A.

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

PENALTY: See Attachment A

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

FILED**DEFENDANT - U.S.**

SEP 17 2015

HENRY CERVANTES

 SUSAN Y. SOONG
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND

DISTRICT COURT NUMBER

12-792 YGR

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI SPECIAL AGENT RUSS NIMMO

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form BRIAN J. STRETCH

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) AUSA Joseph M. Alioto Jr.

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

 1) ☐ If not detained give date any prior summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☒ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment.

Date/Time: _____ Before Judge: _____

Comments:

(1) HENRY CERVANTES, a/k/a "Happy"

COUNT 1: 18 U.S.C. § 1962(d) – Racketeering Conspiracy

Maximum term of life imprisonment

Maximum term of 5 years' supervised release

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 2: 18 U.S.C. § 1959(a)(5) – Conspiracy to Commit Murder in Aid of Racketeering

Maximum term of 10 years' imprisonment

Maximum term of 3 years' supervised release

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 3: 18 U.S.C. § 1959(a)(6) – Conspiracy to Commit Assault with a Dangerous Weapon in Aid of Racketeering

Maximum term of 3 years' imprisonment

Maximum term of 3 years' supervised release

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 4: 18 U.S.C. §§ 924(c)(1)(A) and 2 – Use/Possession of Firearm in Furtherance of Crime of Violence

Maximum term of life imprisonment

Mandatory minimum term of 5, 7, or 10 years' imprisonment, to be imposed consecutive to any other term of imprisonment

Maximum term of supervised release of 5 years

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 5: 18 U.S.C. §§ 1959(a)(1) and 2 – Murder in Aid of Racketeering of Victim-1

Maximum punishment is death

Mandatory minimum term of life imprisonment

Maximum term of supervised release of 5 years

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 6: 18 U.S.C. §§ 1959(a)(1) and 2 – Murder in Aid of Racketeering of Victim-2

Maximum punishment is death

Mandatory minimum term of life imprisonment

Maximum term of supervised release of 5 years

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 7: 18 U.S.C. § 371 – Conspiracy to Obstruct Justice

Maximum term of 5 years' imprisonment

Maximum term of 3 years' supervised release

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 9: 18 U.S.C. §§ 1512(c)(2) and 2 – Obstruction of Justice

Maximum term of 20 years' imprisonment

Maximum term of 3 years' supervised release

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 10: 18 U.S.C. §§ 844(h) and 2 – Use of Fire to Commit Felony

Maximum term of 10 years' imprisonment

Mandatory minimum term of 10 years' imprisonment, to be imposed consecutive to any other term of imprisonment

Maximum term of supervised release of 3 years

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 21: 21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(A) – Drug Conspiracy

Minimum term of 10 years' imprisonment; maximum term of life

Minimum term of supervised release of 5 years; maximum term of life

Maximum fine of \$10,000,000

Mandatory special assessment of \$100

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED

See Attachment A.

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- Misdemeanor
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- Felony

PENALTY: See Attachment A

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.

ALBERTO LAREZ

DISTRICT COURT NUMBER

12-792 YGR

 SEP 17 2015
 SUSAN Y. SOONG
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND
PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI SPECIAL AGENT RUSS NIMMO

- ☐
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- ☐
- this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21, or 40. Show District

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Name of Assistant U.S. Attorney (if assigned)

AUSA Joseph M. Alioto Jr.

DEFENDANT**IS NOT IN CUSTODY**

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- 3)
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IS IN CUSTODY

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- ☒
- On this charge

- 5)
- ☐
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- 6)
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 Has detainer been filed? ☐ Yes ☐ No

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ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

(2) ALBERTO LAREZ, a/k/a "Bird"

COUNT 1: 18 U.S.C. § 1962(d) – Racketeering Conspiracy

Maximum term of life imprisonment

Maximum term of 5 years' supervised release

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 2: 18 U.S.C. § 1959(a)(5) – Conspiracy to Commit Murder in Aid of Racketeering

Maximum term of 10 years' imprisonment

Maximum term of 3 years' supervised release

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 3: 18 U.S.C. § 1959(a)(6) – Conspiracy to Commit Assault with a Dangerous Weapon in Aid of Racketeering

Maximum term of 3 years' imprisonment

Maximum term of 3 years' supervised release

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 16: 18 U.S.C. § 371 – Conspiracy to Obstruct Justice

Maximum term of 5 years' imprisonment

Maximum term of 3 years' supervised release

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 17: 18 U.S.C. §§ 1512(c)(2) and 2 – Obstruction of Justice

Maximum term of 20 years' imprisonment

Maximum term of 3 years' supervised release

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 18: 18 U.S.C. §§ 1959(a)(1) and 2 – Murder in Aid of Racketeering of Victim-5

Maximum punishment is death

Mandatory minimum term of life imprisonment

Maximum term of supervised release of 5 years

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 19: 18 U.S.C. §§ 924(c)(1)(A) and 2 – Use/Possession of Firearm in Furtherance of Crime of Violence

Maximum term of life imprisonment

Mandatory minimum term of 5, 7, or 10 years' imprisonment, to be imposed consecutive to any other term of imprisonment

Maximum term of supervised release of 5 years

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 20: 18 U.S.C. §§ 924(j)(1) and 2 – Use of a Firearm in Furtherance of Crime of Violence Causing the Death of Victim-5

Maximum punishment is Death (or maximum of life in the event the Attorney General directs the government not to seek death); \$250,000 criminal fine; 3 years supervised release; and a \$100 mandatory special assessment

COUNT 21: 21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(A) – Drug Conspiracy

Minimum term of 10 years' imprisonment; maximum term of life

Minimum term of supervised release of 5 years; maximum term of life

Maximum fine of \$10,000,000

Mandatory special assessment of \$100

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
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- Felony

PENALTY: See Attachment A

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

FILED**DEFENDANT - U.S.**

▶ JAIME CERVANTES

SEP 17 2015

DISTRICT COURT NUMBER

12-792 YGR

 SUSAN Y. SOONG
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND
PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI SPECIAL AGENT RUSS NIMMO

- ☐
- person is awaiting trial in another Federal or State Court, give name of court

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Name of Assistant U.S.

Attorney (if assigned) AUSA Joseph M. Alioto Jr.

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- Is a Fugitive

- 3)
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- Is on Bail or Release from (show District)

IS IN CUSTODY

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- ☒
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If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF
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Month/Day/Year

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ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

(3) JAIME CERVANTES, a/k/a "Hennessy"

COUNT 1: 18 U.S.C. § 1962(d) – Racketeering Conspiracy

Maximum term of life imprisonment

Maximum term of 5 years' supervised release

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 2: 18 U.S.C. § 1959(a)(5) – Conspiracy to Commit Murder in Aid of Racketeering

Maximum term of 10 years' imprisonment

Maximum term of 3 years' supervised release

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 3: 18 U.S.C. § 1959(a)(6) – Conspiracy to Commit Assault with a Dangerous Weapon in Aid of Racketeering

Maximum term of 3 years' imprisonment

Maximum term of 3 years' supervised release

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 7: 18 U.S.C. § 371 – Conspiracy to Obstruct Justice

Maximum term of 5 years' imprisonment

Maximum term of 3 years' supervised release

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 8: 18 U.S.C. §§ 3 and 1959(a)(1) – Accessory After the Fact to Racketeering Murder

Maximum term of 15 years' imprisonment

Maximum term of 3 years' supervised release

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 9: 18 U.S.C. §§ 1512(c)(2) and 2 – Obstruction of Justice

Maximum term of 20 years' imprisonment

Maximum term of 3 years' supervised release

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 10: 18 U.S.C. §§ 844(h) and 2 – Use of Fire to Commit Felony

Maximum term of 10 years' imprisonment

Mandatory minimum term of 10 years' imprisonment, to be imposed consecutive to any other term of imprisonment

Maximum term of supervised release of 3 years

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 11: 18 U.S.C. §§ 1959(a)(3) and 2 – Assault with a Dangerous Weapon in Aid of Racketeering of Victim-3

Maximum term of 20 years imprisonment

Maximum term of supervised release of 3 years

Maximum fine of the greatest of either: (a) \$250,000; or (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 12: 18 U.S.C. §§ 1959(a)(3) and 2 – Assault with a Dangerous Weapon in Aid of Racketeering of Victim-4

Maximum term of 20 years imprisonment

Maximum term of supervised release of 3 years

Maximum fine of the greatest of either: (a) \$250,000; or (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 13: 18 U.S.C. § 1951(a) – Conspiracy to Commit Robbery Affecting Interstate Commerce

Maximum term of 20 years' imprisonment

Maximum term of 3 years' supervised release

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 14: 18 U.S.C. §§ 1951(a) and 2 – Robbery Affecting Interstate Commerce

Maximum term of 20 years' imprisonment

Maximum term of 3 years' supervised release

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 15: 18 U.S.C. §§ 924(c) and 2 – Possession of a Firearm in Furtherance of a Crime of Violence

Maximum term of life imprisonment

Mandatory minimum term of 5, 7, or 10 years' imprisonment, to be imposed consecutive to any other term of imprisonment

Maximum term of supervised release of 5 years

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another
Mandatory special assessment of \$100

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FILED**DEFENDANT - U.S.**

SEP 17 2015

ANDREW F. CERVANTES

 SUSAN Y. SOONG
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND

DISTRICT COURT NUMBER

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FBI SPECIAL AGENT RUSS NIMMO

☐ person is awaiting trial in another Federal or State Court, give name of court

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☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

AUSA Joseph M. Alioto Jr.

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Comments: _____

(4) ANDREW F. CERVANTES

COUNT 1: 18 U.S.C. § 1962(d) – Racketeering Conspiracy

Maximum term of life imprisonment

Maximum term of 5 years' supervised release

Maximum fine of the greatest of either: (a) \$250,000; (b) twice the gross pecuniary gain to the defendant; or (c) twice the gross pecuniary loss inflicted on another

Mandatory special assessment of \$100

COUNT 21: 21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(A) – Drug Conspiracy

Minimum term of 10 years' imprisonment; maximum term of life

Minimum term of supervised release of 5 years; maximum term of life

Maximum fine of \$10,000,000

Mandatory special assessment of \$100

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: Oakland

CR 12-00792 YGR

UNITED STATES OF AMERICA,

v.

HENRY CERVANTES
a/k/a "Happy"
ALBERTO LAREZ,
a/k/a "Bird,"
JAIME CERVANTES,
a/k/a "Hennessy,"
ANDREW F. CERVANTES,
a/k/a "Mad Dog,"

FILED

SEP 17 2015

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

DEFENDANT.

THIRD SUPERSEDING INDICTMENT

18 U.S.C. § 1962(d) – Racketeering Conspiracy; 18 U.S.C. § 1959 – Violent Crime in Aid of Racketeering; 18 U.S.C. § 924(c) – Use/Possession of Firearm in Furtherance of Crime of Violence/Drug Trafficking Crime; 18 U.S.C. § 1951 – Hobbs Act Robbery/Conspiracy; 18 U.S.C. § 1512 – Obstruction of Justice/Witness Tampering; 18 U.S.C. § 844(h) – Use of Fire to Commit Federal Felony; 21 U.S.C. § 846 – Drug Conspiracy; 18 U.S.C. § 371 – Conspiracy; 18, U.S.C. § 924(j) – Use of Firearm in Furtherance of a Crime of Violence Causing Death; 18 U.S.C. § 2 – Aiding and Abetting; 18 U.S.C. § 3 – Accessory After the Fact; 18 U.S.C. § 1963 – RICO Forfeiture

A true bill.



Foreman

Filed in open court this 17 day of September
2015



Clerk

Bail, \$

Indis process
Xandis W. Ashmore 9/17/15

FILED

SEP 17 2015

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLANDUNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

CR 12-00792 YGR

UNITED STATES OF AMERICA,

v.

(1) HENRY CERVANTES

a/k/a "Happy"

(2) ALBERTO LAREZ,

a/k/a "Bird,"

(3) JAIME CERVANTES,

a/k/a "Hennessy,"

(4) ANDREW F. CERVANTES,

a/k/a "Mad Dog,"

Defendants.

) VIOLATIONS: 18 U.S.C. § 1962(d) – Racketeering
) Conspiracy; 18 U.S.C. § 1959 – Violent Crime in Aid
) of Racketeering; 18 U.S.C. § 924(c) – Use/Possession
) of Firearm in Furtherance of Crime of Violence/Drug
) Trafficking Crime; 18 U.S.C. § 1951 – Hobbs Act
) Robbery/Conspiracy; 18 U.S.C. § 1512 – Obstruction
) of Justice/Witness Tampering; 18 U.S.C. § 844(h) –
) Use of Fire to Commit Federal Felony; 21 U.S.C. §
) 846 – Drug Conspiracy; 18 U.S.C. § 371 –
) Conspiracy; 18, U.S.C. § 924(j) – Use of Firearm in
) Furtherance of a Crime of Violence Causing Death;
) 18 U.S.C. § 2 – Aiding and Abetting; 18 U.S.C. § 3 –
) Accessory After the Fact; 18 U.S.C. § 1963 – RICO
) Forfeiture

THIRD SUPERSEDING INDICTMENT

THIRD SUPERSEDING INDICTMENT

The Grand Jury charges:

COUNT ONE: (18 U.S.C. § 1962(d) – Racketeering Conspiracy)Introductory Allegations1. *Nuestra Familia* – Spanish for "Our Family" and also known by the letters "NF" – is a

1 prison gang that was formed in the late 1960s in the California State prison system. The rise of *Nuestra*
2 *Familia* is linked to the emergence in the late 1950s of another prison gang called the Mexican Mafia,
3 also known as “*La Eme*.” Hispanic inmates in the California State prison system joined together to form
4 what became the Mexican Mafia for protection against other prison gangs as well as to engage in illegal
5 activities for profit. The Mexican Mafia soon became dominated by Mexican and Mexican-American
6 inmates from Southern California, and Hispanic inmates from Northern California perceived that they
7 were marginalized under the dominion of the Mexican Mafia. As a result, Hispanic inmates with roots
8 in Northern California banded together and formed what became *Nuestra Familia* in order to protect
9 themselves and advance their own interests.

10 2. By the 1970s, *Nuestra Familia* rivaled the power of the Mexican Mafia and other prison
11 gangs in California, and the competition between members and associates of *Nuestra Familia* and the
12 Mexican Mafia resulted in violent and often fatal encounters. Similarly, outside of prison, the members
13 and associates of *Nuestra Familia* and the Mexican Mafia competed with each other to control such
14 profitable criminal activities as narcotics trafficking, extortion, and robbery. This competition between
15 the two rivals led to murder, attempted murder, and other acts of violence.

16 3. *Nuestra Familia* is comprised of relatively few full members, who are known as *carnales*
17 and who control the gang. An individual becomes a *Nuestra Familia* member or *carnal* after being
18 properly schooled, sponsored, and approved by other *Nuestra Familia carnales*. A *carnal* must also
19 prove his loyalty and worth by committing crimes and conducting himself for the gang’s benefit. A
20 *carnal* must value the gang above all else and must be willing to sacrifice even family and friends for
21 the gang. According to *Nuestra Familia*’s rules, once one becomes a *carnal*, death is the only way to
22 withdraw from the gang.

23 4. *Nuestra Familia carnales* control and direct the activities of others, notably members of
24 the various *Norteño* street gangs. *Norteño* gang members pledge their allegiance and loyalty to *Nuestra*
25 *Familia* and are instructed on the rules, rituals, and obligations of *Nuestra Familia*. *Norteños* commit
26 crimes such as narcotics trafficking, robbery, and murder to benefit themselves and *Nuestra Familia*.
27 Proceeds generated by such illegal activities are expected to be paid as a “tax” to *Nuestra Familia*
28

1 *carnales*. If a *carnal* is incarcerated, the tax is paid into the *carnal*'s jail or prison commissary account
 2 or to the *carnal*'s family. *Nuestra Familia* enforces its rules and promotes discipline among its
 3 members and associates by assaulting and threatening those individuals who violate the rules or pose a
 4 threat to the organization.

5 5. As a response to the prison gang problem in the California prison system, the California
 6 Department of Corrections and Rehabilitation ("CDC") initiated its Secure Housing Units ("SHU")
 7 programs in its prison facilities. The CDC identified prison gang leaders in a particular facility,
 8 removed them from the prison's mainline housing units, and placed them into segregated SHU cells.
 9 The goal of the SHU programs was to limit the influence of prison gang leaders by isolating them,
 10 thereby restricting their communications and their ability to direct criminal activities of other gang
 11 members in and out of CDC custody.

12 6. By the early 1980s, the majority of *Nuestra Familia carnales* had been placed in SHU
 13 programs, which limited the prison gang's numbers and its influence within the CDC. As a response to
 14 the SHU programs, *Nuestra Familia* created a separate gang called *Nuestra Raza* (Spanish for "Our
 15 Race"), also known by the letters "NR." *Nuestra Familia* gave *Nuestra Raza* members a set of rules,
 16 known as the "14 bonds," that governed their conduct and educated them in carrying out *Nuestra*
 17 *Familia*'s orders. *Nuestra Raza* members eventually became the "foot soldiers" for *Nuestra Familia* and
 18 also provided a larger recruiting pool to *Nuestra Familia* by preparing inmates for *Nuestra Familia*
 19 membership. Because *Nuestra Raza* was not yet classified as a prison gang, its members were not
 20 automatically segregated into SHU programs. Through their *Nuestra Raza* lieutenants, *Nuestra Familia*
 21 *carnales* were able to restore their control within the CDC. By the 1990s, *Nuestra Raza* had grown in
 22 size and power and also became known as the "Northern Structure" or "NS."

23 7. Despite the efforts of law enforcement officials, *Nuestra Familia* continues to flourish
 24 and has expanded its influence over illegal activities outside of the prison system. After *Nuestra*
 25 *Familia* members or associates are released from prison, they remain loyal to *Nuestra Familia* and work
 26 to further the goals of *Nuestra Familia* outside of the prison environment. Despite being imprisoned and
 27 being closely scrutinized by prison officials, *Nuestra Familia carnales* still manage to convey their
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orders to *Nuestra Familia* members and associates in and outside of prison through a variety of means, including secret notes, called “kites” or “filters,” coded letters, and messages conveyed by complicit visitors. These messages are also sent as legal mail (thereby securing the privacy of its contents), or as a three-way messaging system using post office boxes pursuant to which third parties pick up coded messages and re-deliver them to the intended recipients outside of prison. These types of communications allow incarcerated *Nuestra Familia* members to communicate with and direct other incarcerated members and associates, as well as to communicate with and direct members and associates on the streets.

8. *Nuestra Familia* organizes its followers on the streets into “regiments,” or “crews,” which commit crimes for the gang’s benefit. A regiment is usually led by a regimental commander who is typically a *carnal* or a high-level *Nuestra Raza* or *Norteno* gang member. Some *carнаles* command more than one regiment. The rank and file of a *Nuestra Familia* regiment are called “soldiers” and are usually *Nortenos*. Among other things, the regimental commander is responsible for overseeing the criminal activities of his regiment. The gang member in charge of a regiment collects the regiment’s ill-gotten gains and then – after keeping his share – transfers the money to the gang’s leadership in prison.

9. *Nuestra Familia* and its affiliated gangs have been and continue to be engaged in a fierce and violent gang war with the Mexican Mafia and the Mexican Mafia’s affiliated gangs, which are generally called “Sureño” or “Southern” gangs. Within the prison system, this rivalry manifests itself in beatings and stabbings, which often result in death. Outside the prison system, the two sides, north and south, fight for control of narcotics trafficking territory as well as control over other crimes. In addition to fighting for control over remunerative illegal activities and using violence and terror for the purpose of enriching themselves, the two sides also engage in violence simply to assert their gang identities.

The Racketeering Enterprise

10. *Nuestra Familia*, including its leadership, members, associates, and members of its affiliate organizations, including *Nuestra Raza*/Northern Structure and the *Nortenos*, constituted an “enterprise” as defined in Title 18, United States Code, Section 1961(4), that is, a group of individuals associated in fact. The enterprise constituted an ongoing organization whose members functioned as a

continuing unit for a common purpose of achieving the objectives of the enterprise. The enterprise was engaged in, and its activities affected, interstate and foreign commerce.

Purposes of the Enterprise

11. The purposes of the *Nuestra Familia* enterprise included the following:

- a. Preserving and protecting the power, territory, reputation, and profits of *Nuestra Familia* through the use of intimidation, violence, threats of violence, assaults, and murder;
- b. Enriching the members and associates of *Nuestra Familia* through, among other things, the control of and participation in the distribution of controlled substances;
- c. Enriching the members and associates of *Nuestra Familia* through, among other things, violence and threats of violence, extortion, assault, and robbery;
- d. Keeping victims, potential victims, and witnesses in fear of *Nuestra Familia* and in fear of its members and associates through violence and threats of violence;
- e. Providing financial support to other *Nuestra Familia* members, including those incarcerated for committing acts of violence, robbery, distribution of controlled substances and other offenses; and
- f. Protecting *Nuestra Familia* members and associates who committed crimes by hindering, obstructing, and preventing law enforcement officers from identifying the offenders, apprehending the offenders, and successfully prosecuting and punishing the offenders.

The Defendants

12. HENRY CERVANTES, a/k/a "Happy," is a *Nuestra Familia carnal* and has been a member of *Nuestra Familia* since at least in or about 1990. By in or about 2011, HENRY CERVANTES became the regiment commander for the *Nuestra Familia* in Oakland, California. Among other acts taken in furtherance of *Nuestra Familia*, on or about September 9, 2011, in the vicinity of Coolidge Avenue in Oakland, HENRY CERVANTES killed two individuals, one of whom had dropped out of the *Norteño* criminal organization, by stabbing them both with a kitchen knife. HENRY CERVANTES then enlisted *Norteño* JAIME CERVANTES to destroy the evidence at the murder scene.

1 13. ALBERTO LAREZ, a/k/a “Bird,” became a member of *Nuestra Raza* in 1994.
2 By in or about 2011, LAREZ had become a *Nuestra Familia carnal* serving as a regiment commander
3 for the organization. LAREZ distributed controlled substances on behalf of *Nuestra Familia* and sent
4 proceeds from his illegal narcotics trafficking to incarcerated *Nuestra Familia carnales*. Among other
5 acts committed in furtherance of *Nuestra Familia*, on or about August 13, 2012, in San Jose, California,
6 LAREZ murdered a fellow *Norteño* who LAREZ believed was encroaching on LAREZ’s “turf.”

7 14. In addition, throughout 2011, LAREZ groomed a younger *Norteño*, JAIME
8 CERVANTES, a/k/a “Hennessy,” to put in “work” (i.e., crimes) on behalf of *Nuestra Familia*. Among
9 other acts committed in furtherance of *Nuestra Familia*, on or about August 27, 2011, in the vicinity of
10 Red Bluff, California, LAREZ and JAIME CERVANTES conspired to commit, and did commit, an
11 armed robbery of a gas station. In addition, on or about September 10, 2011, JAIME CERVANTES set
12 fire to an apartment in Oakland, California, in order to destroy evidence from a double murder
13 committed the previous day by HENRY CERVANTES. Moreover, on or about January 10, 2012,
14 JAIME CERVANTES committed a home invasion robbery in Livermore, California.

15 15. ANDREW F. CERVANTES, a/k/a “Mad Dog,” was one of two “overseers” within the
16 federal faction of the *Nuestra Familia* from approximately 2011. The two overseers managed *Nuestra*
17 *Familia* affairs from inside federal prison, and they became the de facto leaders of the organization after
18 the three top generals were rendered “incommunicado” when transferred to the “supermax” ADX
19 federal prison in Florence, Colorado. Once the second overseer was also sent to ADX, ANDREW F.
20 CERVANTES became the sole overseer of the NF. As such, he wielded many of the same powers as
21 the generals of the gang, including the ability to “declare war” against rival gangs. ANDREW F.
22 CERVANTES was the direct supervisor of ALBERTO LAREZ and HENRY CERVANTES.
23 ANDREW F. CERVANTES communicated with them through the use of an elaborate coding system
24 employed by the organization in telephone calls, letters, and “kites.”

25 16. The defendants – HENRY CERVANTES, LAREZ, JAIME CERVANTES, and
26 ANDREW F. CERVANTES – who are associates, members, and leaders of *Nuestra Familia* and/or
27 *Nuestra Familia’s Nuestra Raza/Northern Structure* and/or *Norteño* affiliates, acted individually, with
28

each other, and also with non-member *Nuestra Familia* associates in the commission of racketeering activities and other criminal conduct.

The Racketeering Conspiracy

17. Beginning on a date unknown to the Grand Jury, but since at least December 2003, and continuing up through and including the present, in the Northern District of California and elsewhere, the defendants,

HENRY CERVANTES, a/k/a "Happy,"

ALBERTO LAREZ, a/k/a "Bird,"

JAIME CERVANTES, a/k/a "Hennessy," and

ANDREW F. CERVANTES, a/k/a "Mad Dog,"

together with others known and unknown, each being a person employed by and associated with *Nuestra Familia*, an enterprise engaged in, and the activities of which affected, interstate and foreign commerce, unlawfully, willfully, and intentionally did combine, conspire, confederate and agree to violate Title 18, United States Code, Section 1962(c), that is to conduct and participate, directly and indirectly, in the conduct of the affairs of the *Nuestra Familia* enterprise through a pattern of racketeering activity, as defined in Title 18, United States Code, Sections 1961(1) and (5), which pattern of racketeering activity consisted of:

- a. multiple acts and threats involving murder, in violation of California Penal Code §§ 187, 188, 189, 182, 21a, 664, 653f, and 422;
- b. multiple acts and threats involving robbery, in violation of California Penal Code §§ 211, 212, 212.5, 213, 182, 21a, 664, 653f, and 422;
- c. multiple acts involving dealing in controlled substances, in violation of 21 U.S.C. §§ 841, 846;
- d. multiple acts indictable under 18 U.S.C. § 1951 (robbery/extortion affecting commerce); and
- e. multiple acts indictable under 18 U.S.C. §§ 1503, 1512; and 1513.

18. It was part of the conspiracy that each defendant agreed that a member of the conspiracy

1 would commit at least two acts of racketeering activity in the conduct of the affairs of the enterprise.

2 Means and Methods of the Conspiracy

3 19. It was part of the means and methods of the conspiracy that the defendants and other
4 members and associates of *Nuestra Familia*, discussed with other members and associates of *Nuestra*
5 *Familia*, among other things: the membership and rules of *Nuestra Familia*; the status of *Nuestra*
6 *Familia* members and associates who were arrested or incarcerated; the disciplining of *Nuestra Familia*
7 members; encounters between law enforcement and *Nuestra Familia* members and associates; the
8 identities of individuals suspected of cooperating with law enforcement and the proposed actions to be
9 taken against them; plans and agreements regarding the commission of future crimes, including murder,
10 robbery, narcotics distribution, illegal possession of firearms, and assault, as well as ways to conceal
11 these crimes; and the enforcement of the rules of *Nuestra Familia*.

12 20. It was further part of the means and methods of the conspiracy that the defendants and
13 other members and associates of *Nuestra Familia* purchased, possessed, maintained, used, and circulated
14 a collection of firearms for use in criminal activity by the members and associates of *Nuestra Familia*.

15 21. It was further part of the means and methods of the conspiracy that the defendants and
16 other members and associates of *Nuestra Familia* committed acts of violence, including murder,
17 attempted murder, and assault, including acts of violence by members and associates of *Nuestra Familia*
18 against rival gang members and others when it suited the enterprise's purposes. Members of *Nuestra*
19 *Familia* also used violence to impose discipline within the gang.

20 22. It was further part of the means and methods of the conspiracy that the defendants and
21 other members and associates of *Nuestra Familia* distributed narcotics, committed robbery, extortion,
22 and other crimes, and concealed their criminal activities by obstructing justice, threatening and
23 intimidating witnesses, and other means.

Notice of Special Sentencing Factors

Number 1: Conspiracy to Commit Murder

23. Beginning on a date unknown but since at least December 2003, and continuing up through and including the present, in the Northern District of California and elsewhere, the defendants,

HENRY CERVANTES, a/k/a "Happy"

ALBERTO LAREZ, a/k/a "Bird,"

JAIME CERVANTES, a/k/a "Hennessy," and

ANDREW F. CERVANTES, a/k/a "Mad Dog,"

together with others known and unknown to the Grand Jury, each being a person employed by and associated with *Nuestra Familia*, an enterprise engaged in, and the activities of which affected, interstate and foreign commerce, unlawfully, knowingly, and intentionally did combine, conspire, confederate and agree to commit murder, in violation of California Penal Code Sections 187, 188, 189, and 182, to wit, the defendants agreed together and with each other to kill, with malice aforethought, actual and suspected members of rival gangs, individuals suspected of cooperating with law enforcement, and individuals who defied the will of *Nuestra Familia*.

Number 2: HENRY CERVANTES murder of Victim-1

24. On or about September 9, 2011, in the Northern District of California, the defendant,

HENRY CERVANTES, a/k/a "Happy,"

unlawfully, willfully and intentionally and with deliberation and premeditation, did kill, with malice aforethought Victim-1 in violation of California Penal Code, Sections 187, 188, and 189.

Number 3: HENRY CERVANTES murder of Victim-2

25. On or about September 9, 2011, in the Northern District of California, the defendant,

HENRY CERVANTES, a/k/a "Happy,"

unlawfully, willfully and intentionally and with deliberation and premeditation, did kill, with malice aforethought Victim-2 in violation of California Penal Code, Sections 187, 188, and 189.

Number 4: ALBERTO LAREZ murder of Victim-5

26. On or about August 13, 2012, in the Northern District of California, the defendant,

ALBERTO LAREZ, a/k/a "Bird,"

together with others known and unknown, unlawfully, willfully and intentionally and with deliberation and premeditation, did kill, with malice aforethought, Victim-5, in violation of California Penal Code Sections 187, 188, and 189.

Number 5: JAIME CERVANTES attempted murder of Victim-3

27. On or about January 10, 2012, in the Northern District of California, the defendant,

JAIME CERVANTES, a/k/a "Hennessy,"

unlawfully and knowingly did attempt to kill Victim-3, willfully, deliberately and with premeditation and malice aforethought, in violation of California Penal Code Sections 187, 188, and 189, 21a and 664.

Number 6: Conspiracy to Distribute and Possess With Intent To Distribute Controlled Substances

28. Beginning at the latest in or about January 2011 and continuing until at least in or about August 2012, in the Northern District of California, and elsewhere, the defendants,

HENRY CERVANTES, a/k/a "Happy,"

ALBERTO LAREZ, a/k/a "Bird," and

ANDREW F. CERVANTES, a/k/a "Mad Dog,"

knowingly and intentionally combined, conspired, confederated and agreed together and with each other, and with other persons known and unknown to the grand jury to knowingly and intentionally distribute and possess with intent to distribute 500 grams or more of a mixture and substance containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers, in violation of Title 21, United States Code, Sections 846, 841(a)(1), and 841(b)(1)(A).

All in violation of Title 18, United States Code, Section 1962(d).

COUNT TWO: (18 U.S.C. § 1959(a)(5) – Conspiracy to Commit Murder in Aid of Racketeering)

29. Paragraphs 1 through 16 and 19 through 22 of this Indictment are realleged and incorporated by reference as though fully set forth herein.

30. At all times relevant to this Indictment, *Nuestra Familia*, including its *Nuestra Raza*/Northern Structure and *Norteño* affiliates, constituted an enterprise as defined in Title 18, United

1 States Code, Section 1959(b)(2), that is, a group of individuals associated in fact that was engaged in,
 2 and the activities of which affected, interstate and foreign commerce. The enterprise constituted an
 3 ongoing organization whose members functioned as a continuing unit for a common purpose of
 4 achieving the objectives of the enterprise.

5 31. At all times relevant to this Indictment, *Nuestra Familia*, the above-described enterprise,
 6 through its members and associates, engaged in racketeering activity, as defined in Title 18, United
 7 States Code, Sections 1959(b)(1) and 1961(1), namely, multiple acts and threats involving murder, in
 8 violation of California Penal Code §§ 187, 188, 189, 182, 21a, 664, 653f, and 422; multiple acts and
 9 threats involving robbery, in violation of California Penal Code §§ 211, 212, 212.5, 213, 182, 21a, and
 10 664; multiple acts involving dealing in a controlled substance, in violation of 21 U.S.C. §§ 841, 846; and
 11 multiple acts indictable under 18 U.S.C. §§ 1951, 1503, 1512, and 1513.

12 32. Beginning on a date unknown to the Grand Jury, but since at least December 2003, and
 13 continuing up through and including the present, in the Northern District of California and elsewhere,
 14 for the purpose of gaining entrance to and maintaining and increasing position in *Nuestra Familia*, an
 15 enterprise engaged in racketeering activity, the defendants,

16 HENRY CERVANTES, a/k/a "Happy,"

17 ALBERTO LAREZ, a/k/a "Bird," and

18 JAIME CERVANTES, a/k/a "Hennessy,"

19 together with others known and unknown, unlawfully, willfully, and intentionally did combine,
 20 conspire, confederate, and agree together and with each other to commit murder, in violation of
 21 California Penal Code Sections 187, 188, and 189, to wit, HENRY CERVANTES, LAREZ, and JAIME
 22 CERVANTES agreed together and with each other to kill actual and suspected members of rival gangs,
 23 individuals suspected of cooperating with law enforcement, individuals who defied the will of *Nuestra*
 24 *Familia*, and others in order to maintain and increase their standing within the racketeering enterprise
 25 known as the *Nuestra Familia*.

26 All in violation of Title 18, United States Code, Section 1959(a)(5).

27 COUNT THREE: (18 U.S.C. § 1959(a)(6) – Conspiracy to Commit Assault with a
 28

Dangerous Weapon in Aid of Racketeering)

33. Paragraphs 1 through 16, 19 through 22, and 30 through 31 of this Indictment are realleged and incorporated by reference as though fully set forth herein.

34. Beginning on a date unknown to the Grand Jury, but since at least December 2003, and continuing up through and including the present, in the Northern District of California and elsewhere, for the purpose of gaining entrance to and maintaining and increasing position in *Nuestra Familia*, an enterprise engaged in racketeering activity, the defendants,

HENRY CERVANTES, a/k/a "Happy,"

ALBERTO LAREZ, a/k/a "Bird," and

JAIME CERVANTES, a/k/a "Hennessy,"

together with others known and unknown, unlawfully, willfully, and intentionally did combine, conspire, confederate, and agree together and with each other to commit assault with a dangerous weapon, in violation of California Penal Code Section 245(a)(1), to wit, HENRY CERVANTES, LAREZ, and JAIME CERVANTES agreed together and with each other to assault with guns, knives, and other dangerous weapons actual and suspected members of rival gangs, individuals suspected of cooperating with law enforcement, individuals who defied the will of *Nuestra Familia*, and others in order to maintain and increase their standing within the racketeering enterprise known as *Nuestra Familia*.

All in violation of Title 18, United States Code, Section 1959(a)(6).

COUNT FOUR: (18 U.S.C. §§ 924(c)(1)(A) and 2 – Use/Possession of Firearm in Furtherance of Crime of Violence)

35. Beginning on a date unknown to the Grand Jury, but since at least December 2003, and continuing up through and including the present, in the Northern District of California and elsewhere, the defendant,

HENRY CERVANTES, a/k/a "Happy,"

together with others known and unknown, unlawfully and knowingly did use and carry a firearm during and in relation to a crime of violence for which they may be prosecuted in a court of the United States,

namely, the *Nuestra Familia* racketeering conspiracy charged in Count One of this Indictment, the conspiracy to commit murder in aid of racketeering charged in Count Two of this Indictment, and the conspiracy to commit assault with a dangerous weapon in aid of racketeering charged in Count Three of this Indictment, and did possess a firearm in furtherance of the offenses charged in Count One, Count Two, and Count Three of this Indictment, and did brandish a firearm in furtherance of the offenses charged in Count One, Count Two, and Count Three of this Indictment, and did discharge a firearm in furtherance of the offenses charged in Count One, Count Two, and Count Three of this Indictment, to wit, HENRY CERVANTES possessed and used, aided and abetted another's possession and use, and had available for their use, a variety of firearms to further the goals and activities of *Nuestra Familia*.

All in violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2.

COUNT FIVE: (18 U.S.C. §§ 1959(a)(1) and 2 – Murder in Aid of Racketeering of Victim-1)

36. Paragraphs 1 through 16, 19 through 22, and 30 through 31 of this Indictment are realleged and incorporated by reference as though fully set forth herein.

37. On or about September 9, 2011, in the Northern District of California, for the purpose of gaining entrance to, and maintaining and increasing position in, *Nuestra Familia*, an enterprise engaged in racketeering activity, the defendant,

HENRY CERVANTES, a/k/a "Happy," together with others known and unknown, unlawfully, willfully, and intentionally did murder Victim-1, in violation of California Penal Code, Sections 187, 188, 189, 21a, and 664.

All in violation of Title 18, United States Code, Sections 1959(a)(1) and 2.

COUNT SIX: (18 U.S.C. §§ 1959(a)(1) and 2 – Murder in Aid of Racketeering of Victim-2)

38. Paragraphs 1 through 16, 19 through 22, and 30 through 31 of this Indictment are realleged and incorporated by reference as though fully set forth herein.

39. On or about September 9, 2011, in the Northern District of California, for the purpose of gaining entrance to, and maintaining and increasing position in, *Nuestra Familia*, an

enterprise engaged in racketeering activity, the defendant,

HENRY CERVANTES, a/k/a "Happy,"

together with others known and unknown, unlawfully, willfully, and intentionally did murder Victim-2, in violation of California Penal Code, Sections 187, 188, 189, 21a, and 664.

All in violation of Title 18, United States Code, Sections 1959(a)(1) and 2.

COUNT SEVEN: (18 U.S.C. § 371 – Conspiracy to Obstruct Justice)

40. From at least on or about September 9, 2011, up through and including on or about September 11, 2011, in the Northern District of California, the defendants,

HENRY CERVANTES, a/k/a "Happy," and

JAIME CERVANTES, a/k/a "Hennessy,"

and others known and unknown, unlawfully, willfully, and intentionally did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Title 18, United States Code, Section 1512(c)(2).

It was a part and an object of the conspiracy that the defendants,

HENRY CERVANTES, a/k/a "Happy," and

JAIME CERVANTES, a/k/a "Hennessy,"

and their co-conspirators, unlawfully, willfully, and intentionally would and did corruptly obstruct, influence, and impede an official proceeding, in violation of Title 18, United States Code, Section 1512(c)(2).

Overt Acts

41. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Northern District of California:

a. On or about September 10, 2011, HENRY CERVANTES told JAIME CERVANTES to destroy evidence at the scene of a double murder in Oakland, California.

b. On or about September 10, 2011, JAIME CERVANTES traveled to Oakland, California.

c. On or about September 10, 2011, JAIME CERVANTES set fire to an apartment

1 in Oakland, California.

2 All in violation of Title 18, United States Code, Section 371.

3 COUNT EIGHT: (18 U.S.C. §§ 3 and 1959(a)(1) – Accessory After the Fact to
4 Racketeering Murder)

5 42. From at least on or about September 9, 2011, up through and including on or about
6 September 11, 2011, in the Northern District of California and elsewhere, the defendant,
7 JAIME CERVANTES, a/k/a “Hennessy,”
8 and others known and unknown, knowing that an offense against the United States had been committed,
9 to wit, a double murder committed by HENRY CERVANTES, on or about September 9, 2011, in
10 violation of Title 18, United States Code, Section 1959(a)(1), unlawfully and knowingly did receive,
11 comfort, and assist the offender in order to hinder and prevent the offender’s apprehension, trial, and
12 punishment, to wit, JAIME CERVANTES destroyed evidence relating to a double murder committed on
13 September 9, 2011, in Oakland, California.

14 All in violation of Title 18, United States Code, Section 3.

15 COUNT NINE: (18 U.S.C. §§ 1512(c)(2) and 2 – Obstruction of Justice)

16 43. From at least on or about September 9, 2011, up through and including on or about
17 September 11, 2012, in the Northern District of California, the defendants,
18 HENRY CERVANTES, a/k/a “Happy,” and
19 JAIME CERVANTES, a/k/a “Hennessy,”
20 and others known and unknown, unlawfully and knowingly did corruptly obstruct, influence, and
21 impede an official proceeding, to wit, HENRY CERVANTES and JAIME CERVANTES destroyed
22 evidence relating to a double murder committed on September 9, 2011 in Oakland, California.

23 All in violation of Title 18, United States Code, Sections 1512(c)(2) and 2.

24 COUNT TEN: (18 U.S.C. §§ 844(h) and 2 – Use of Fire to Commit Felony)

25 44. On or about September 10, 2011, in the Northern District of California, the
26 defendants,

27 HENRY CERVANTES, a/k/a “Happy,” and
28

1 JAIME CERVANTES, a/k/a "Hennessy,"
 2 unlawfully and knowingly did use fire to commit a felony which may be prosecuted in a court of the
 3 United States, to wit, HENRY CERVANTES and JAIME CERVANTES set fire to an apartment in
 4 Oakland, California, in order to commit the crimes of conspiring to obstruct justice charged in Count
 5 Seven of this Indictment, being an accessory after the fact to racketeering murder charged in Count
 6 Eight of this Indictment and obstructing of justice charged in Count Nine of this Indictment.

7 All in violation of Title 18, United States Code, Sections 844(h)(1) and 2.

8 COUNT ELEVEN: (18 U.S.C. §§ 1959(a)(3) and 2 – Assault with a Dangerous Weapon in
 9 Aid of Racketeering of Victim-3)

10 45. Paragraphs 1 through 16, 19 through 22, and 30 through 31 of this Indictment are
 11 realleged and incorporated by reference as though fully set forth herein.

12 46. On or about January 10, 2012, in the Northern District of California, for the purpose of
 13 gaining entrance to, and maintaining and increasing position in, *Nuestra Familia*, an enterprise engaged
 14 in racketeering activity, the defendant,

15 JAIME CERVANTES, a/k/a "Hennessy,"
 16 together with others known and unknown, unlawfully and knowingly did assault Victim-3 with a
 17 dangerous weapon, in violation of California Penal Code, Section 245(a)(1).

18 All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

19 COUNT TWELVE: (18 U.S.C. §§ 1959(a)(3) and 2 – Assault with a Dangerous Weapon in
 20 Aid of Racketeering of Victim-4)

21 47. Paragraphs 1 through 16, 19 through 22, and 30 through 31 of this Indictment are
 22 realleged and incorporated by reference as though fully set forth herein.

23 48. On or about January 10, 2012, in the Northern District of California, for the purpose of
 24 gaining entrance to, and maintaining and increasing position in, *Nuestra Familia*, an enterprise engaged
 25 in racketeering activity, the defendant,

26 JAIME CERVANTES, a/k/a "Hennessy,"
 27 together with others known and unknown, unlawfully and knowingly did assault Victim-4 with a
 28

dangerous weapon, in violation of California Penal Code, Section 245(a)(1).

All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2.

COUNT THIRTEEN: (18 U.S.C. § 1951(a) – Conspiracy to Commit Robbery Affecting
Interstate Commerce)

49. In or about January 2012, in the Northern District of California, the defendant,
JAIME CERVANTES, a/k/a “Hennessy,”
and others known and unknown, unlawfully, willfully, and intentionally did combine, conspire,
confederate, and agree together and with each other to commit robbery, as that term is defined in Title
18, United States Code, Section 1951(b)(1), and thereby would obstruct, delay, and affect commerce and
the movement of articles and commodities in commerce.

All in violation of Title 18, United States Code, Section 1951(a).

COUNT FOURTEEN: (18 U.S.C. §§ 1951(a) and 2 – Robbery Affecting Interstate Commerce)

50. On or about January 10, 2012, in the Northern District of California, the defendant,
JAIME CERVANTES, a/k/a “Hennessy,”
and others known and unknown, unlawfully and knowingly did obstruct, delay, and affect commerce
and the movement of articles and commodities in commerce by robbery, as that term is defined in Title
18, United States Code, Section 1951(b)(1).

All in violation of Title 18, United States Code, Sections 1951(a) and 2.

COUNT FIFTEEN: (18 U.S.C. §§ 924(c) and 2 – Possession of a Firearm in Furtherance of a
Crime of Violence)

51. On or about January 10, 2012, in the Northern District of California, the defendant,
JAIME CERVANTES, a/k/a “Hennessy,”
and others known and unknown, unlawfully and knowingly did use and carry a firearm during and in
relation to a crime of violence for which they may be prosecuted in a court of the United States, namely,
the assault with a dangerous weapon of Victim-3 in aid of racketeering charged in Count Eleven of this
Indictment, the assault with a dangerous weapon of Victim-4 in aid of racketeering charged in Count
Twelve of this Indictment, the conspiracy to commit robbery affecting commerce charged in Count

Thirteen of this Indictment, and the robbery affecting commerce charged in Count Fourteen of this Indictment, and did possess and brandish a firearm in furtherance of the offenses charged in Counts Eleven, Twelve, Thirteen, and Fourteen of this Indictment.

All in violation of Title 18, United States Code, Sections 924(c) and 2.

COUNT SIXTEEN: (18 U.S.C. § 371 – Conspiracy to Obstruct Justice)

52. In or about October 2011, in the Northern District of California, the defendant, ALBERTO LAREZ, a/k/a “Bird,” and others known and unknown, unlawfully, willfully, and intentionally did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Title 18, United States Code, Section 1512(c)(2). It was a part and an object of the conspiracy that the defendant,

ALBERTO LAREZ, a/k/a “Bird,” and their co-conspirators, unlawfully, willfully, and intentionally would and did corruptly obstruct, influence, and impede an official proceeding, in violation of Title 18, United States Code, Section 1512(c)(2).

Overt Acts

53. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Northern District of California:

a. In or about October 2011, in Oakland, California, LAREZ instructed a co-conspirator to discard firearms stored in a residence in Oakland.

b. In or about October 2011, in Oakland, California, a co-conspirator removed firearms from a residence in Oakland.

All in violation of Title 18, United States Code, Section 371.

COUNT SEVENTEEN: (18 U.S.C. §§ 1512(c)(2) and 2 – Obstruction of Justice)

54. In or about October 2011, in the Northern District of California, the defendant, ALBERTO LAREZ, a/k/a “Bird,” and others known and unknown, unlawfully and knowingly did corruptly obstruct, influence, and

1 impede an official proceeding, to wit, LAREZ and a co-conspirator discarded firearms stored at a
 2 residence in Oakland, California, thereby obstructing and impeding a federal criminal investigation.

3 All in violation of Title 18, United States Code, Sections 1512(c)(2) and 2.

4 COUNT EIGHTEEN: (18 U.S.C. §§ 1959(a)(1) and 2 – Murder in Aid of Racketeering of
 5 Victim-5)

6 55. Paragraphs 1 through 16, 19 through 22, and 30 through 31 of this Indictment are
 7 realleged and incorporated by reference as though fully set forth herein.

8 56. On or about August 13, 2012, in the Northern District of California, for the purpose of
 9 gaining entrance to, and maintaining and increasing position in *Nuestra Familia*, an enterprise engaged
 10 in racketeering activity, the defendant,

11 ALBERTO LAREZ, a/k/a “Bird,”

12 together with others known and unknown, unlawfully, willfully, and intentionally did murder Victim-5,
 13 in violation of California Penal Code, Sections 187, 188, 189, and 21a.

14 All in violation of Title 18, United States Code, Sections 1959(a)(1) and 2.

15 COUNT NINETEEN: (18 U.S.C. §§ 924(c)(1)(A) and 2 – Use/Possession of Firearm in
 16 Furtherance of Crime of Violence)

17 57. On or about August 13, 2012, in the Northern District of California, the defendant,

18 ALBERTO LAREZ, a/k/a “Bird,”

19 together with others known and unknown, unlawfully and knowingly did use and carry a firearm during
 20 and in relation to a crime of violence for which he may be prosecuted in a court of the United States,
 21 namely, the murder in aid of racketeering of Victim-5 charged in Count Eighteen of this Indictment, and
 22 did possess, brandish, and discharge a firearm in furtherance of the offense charged in Count Twenty of
 23 this Indictment.

24 All in violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2.

25 COUNT TWENTY: (18 U.S.C. §§ 924(j)(1) and 2 – Use of a Firearm in Furtherance of
 26 Crime of Violence Causing the Death of Victim-5)

27 58. On or about August 13, 2012, in the Northern District of California, the defendant,

ALBERTO LAREZ, a/k/a "Bird,"

together with others known and unknown, unlawfully and knowingly, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, namely, the murder in aid of racketeering of Victim-5, charged in Count Eighteen of this Indictment; did use and carry a firearm, and in furtherance of such crime, did possess a firearm, and in the course of that crime did cause the death of Victim-5 through the use of a firearm, which killing was murder as defined in Title 18, United States Code, Section 1111, and manslaughter as defined in Title 18, United States Code, Section 1112.

All in violation of Title 18, United States Code, Sections 924(j)(1) and 2.

COUNT TWENTY-ONE: (21 U.S.C. §§ 846, 841 and 841(b)(1)(A) – Drug Conspiracy)

59. Beginning at the latest in or about January 2011 and continuing until at least in or about August 2012, in the Northern District of California, and elsewhere, the defendants,

HENRY CERVANTES, a/k/a "Happy,"

ALBERTO LAREZ, a/k/a "Bird," and

ANDREW F. CERVANTES, a/k/a "Mad Dog,"

knowingly and intentionally combined, conspired, confederated and agreed together and with each other, and with other persons known and unknown to the grand jury, to commit the following offenses against the United States in violation of Title 21, United States Code, Section 841(a)(1): to knowingly and intentionally distribute and possess with intent to distribute 500 grams or more of a mixture and substance containing a detectable amount of methamphetamine, its salts, isomers, and salts of its isomers; to knowingly and intentionally distribute and possess with intent to distribute a mixture or substance containing a detectable amount of cocaine, its salts, optical and geometric isomers, and salts of isomers; and to knowingly and intentionally distribute and possess with intent to distribute a mixture or substance containing a detectable amount of heroin.

All in violation of Title 21, United States Code, Sections 846, 841(a)(1), and 841(b)(1)(A).

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1 FORFEITURE ALLEGATION: (18 U.S.C. § 1963 – Proceeds and Property Involved in
2 Racketeering)

3 60. The allegations contained in Count One of this Indictment are hereby realleged and
4 incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code,
5 Section 1963. Pursuant to Title 18, United States Code, Section 1963, upon conviction of an
6 offense in violation of Title 18, United States Code, Section 1962, the defendants,

7 HENRY CERVANTES, a/k/a “Happy”

8 ALBERTO LAREZ, a/k/a “Bird,”

9 JAIME CERVANTES, a/k/a “Hennessy,” and

10 ANDREW F. CERVANTES, a/k/a “Mad Dog,”

11 shall forfeit to the United States of America:

12 a. any interest the defendants have acquired and/or maintained in violation of 18
13 U.S.C. § 1962;

14 b. any interest in, security, of, claim against, and property and contractual
15 right of any kind affording a source of influence over an enterprise which the defendants have
16 established, operated, controlled, conducted, and participated in the conduct of in violation of 18 U.S.C.
17 § 1962;

18 c. any property constituting, and derived from, any proceeds obtained, directly and
19 indirectly, from racketeering activity in violation of 18 U.S.C. § 1962.

20 61. Defendants are jointly and severally liable for forfeiture.

21 62. If any of the property described above, as a result of any act or omission of the
22 defendants:

23 a. cannot be located upon the exercise of due diligence;

24 b. has been transferred or sold to, or deposited with, a third party;

25 c. has been placed beyond the jurisdiction of the court;

26 d. has been substantially diminished in value;

27 e. has been commingled with other property which cannot be divided without
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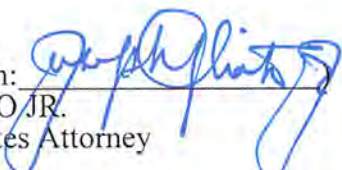
1 difficulty,
2 the United States shall be entitled to forfeiture of substitute property pursuant to Title 18, United States
3 Code, Section 1963(m).
4

5 DATED: September 17, 2015 A TRUE BILL

6
7 
8 FOREPERSON

9 BRIAN J. STRETCH
10 Acting United States Attorney

11 
12 PHILIP A. GUENTERT FOR
13 Deputy Chief, Criminal Division

14 (Approved as to form: 
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